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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/784,604

02/23/2004

Heather Gillis

1833K

8303

54964

7590

01/09/2007

TYCO HEALTHCARE - EDWARD S. JARMOLOWICZ
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EXAMINER

THANH, QUANG D

ART UNIT

PAPER NUMBER

3771

MAIL DATE

DELIVERY MODE

01/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No. 10/784,604	Applicant(s) GILLIS ET AL.	
	Examiner Quang D. Thanh	Art Unit 3771	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Quang D. Thanh. (3) _____
 (2) Edward Jamolowicz. (4) _____

Date of Interview: 04 January 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____

Claim(s) discussed: 1 and 16.

Identification of prior art discussed: Rutt.


Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicants proposed to add new language "heel strap" in claim 1 to clearly define over the Rutt's strap 18. Applicants also proposed to amend claim 16 to include the first and second pieces that are fixedly joined as substantially claimed (see attached). Based on this proposed draft amendment, it appears that the claims are defined over the prior art of record at this time. However, this amendment would require further consideration and/or search. Applicants indicated that they would file a RCE with the appropriate amendment soon.



QUANG D. THANH
PRIMARY EXAMINER

DRAFT DRAFT DRAFT
PATENT

Attorney Docket 1833K

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 Applicants: Gillis et al. Examiner: Quang D. Thanh
Serial No.: 10/784,604 Art Unit: 3764
10 Filed: February 23, 2004 Confirmation No.: 8303

Dear Examiner Thanh:

15 Thank you for taking the time to review the proposed
amended claims below. As we spoke, the Rutt air cell 48 of
Figure 4 is heat sealed around their peripheral edges 56 to the
body layer 24. The body layer 24 faces the patient, at Figure
1.

20 I can be reached direct at (508) 261-8476 or
Edward.jarmolowicz@tycohealthcare.com.

Respectfully yours,

25 Edward S. Jarmolowicz, Reg. No. 47,238

IN THE CLAIMS: (DRAFT)

Proposed Amend. for Interview only

1. (Currently Amended) A compression apparatus comprising:

5 an expandable body configured for disposal about a foot;

a heel strap extending from the body, the heel strap being configured ^{to contour} ~~(for disposal)~~ ^{a heel of} about the foot adjacent an ankle,

wherein the heel strap has a first layer configured to engage an outer surface of the foot adjacent the ankle, a second layer and a third cushion layer disposed between the first and second layer;

and wherein further the heel strap has at least one segmented portion configured to contour ^{about} the heel ~~(strap)~~ ^{of} about the foot, the at least one segmented portion is positioned along the heel strap.

2. (Original) A compression apparatus as recited in claim 1, wherein the ^{heel} strap is integrally connected to the body.

3. (Canceled)

4. (Original) A compression apparatus as recited in claim 1, wherein the body includes the first layer.

5. (Original) A compression apparatus as recited in claim 4, wherein the body includes the second layer.

6. (Canceled)

7. (Original) A compression apparatus as recited in claim 1, wherein the third cushion layer is disposed within the first layer and the second layer such that the first layer and the second layer are configured to provide a barrier to the third cushion layer.

8. (Original) A compression apparatus as recited in claim 1, wherein the body includes a metatarsal strap.

9. (Original) A compression apparatus as recited in claim 1, wherein the first layer includes a soft material.

10. (Original) A compression apparatus as recited in claim 1, wherein the first layer includes a soft material and a flexible film.

11. (Original) A compression apparatus as recited in claim 1, wherein the third cushion layer includes a foam material.

12. (Original) A compression apparatus as recited in claim 1, wherein the second layer has an outer surface including a loop material disposed therewith.

13. (Original) A compression apparatus as recited in claim 1, wherein the second layer includes a flexible film and an outer surface having a loop material disposed therewith.

14. (Original) A compression apparatus as recited in claim 8, wherein the second layer has an outer surface including a loop material such that the metatarsal strap includes hook elements that are engageable with the loop material to mount the expandable body with the foot.

15. (Original) A compression apparatus as recited in claim 12, wherein the body includes hook elements that are engageable with the loop material to mount the expandable body with the foot.

16. (Currently Amended) A compression apparatus comprising:

a foot sleeve including an inflatable body configured for disposal about a foot, the foot sleeve including a metatarsal portion;

the foot sleeve further having a contact layer and an outer layer, the layers fixedly joined at a perimeter of the foot sleeve defining a first piece;

a heel strap comprising a first layer and a second layer fixedly joined at a perimeter of the first and second layer, and
a third layer between the first and second layer, the three
layers defining a second piece; and

5 wherein a portion of the second piece strap is received
within the first piece between the contact layer and outer layer
at the perimeter of the first piece, and the second piece is
fixedly joined at the perimeter of the first piece, the second
piece projects out through the sealed first piece at its
10 perimeter and extends a substantial(ly) length outwardly therefrom
for wrapping over and around mounted between a foot contact
layer and an outer layer the foot sleeve and extending
therefrom, the strap being configured for disposal about the
foot adjacent an ankle of a patient;

15 ~~wherein the first layer is configured to engage an outer~~
~~surface of the foot adjacent the ankle, and a third cushion~~
~~layer is disposed between the first and second layers such that~~
~~the first layer and the second layer are configured to provide a~~
~~barrier to the third cushion layer.~~

20 17. (Currently Amended) A compression apparatus as recited
in claim 16, wherein the first layer and second layer of the
second piece is fixedly joined at the perimeter of the first and
second layer for sealing the third layer ~~is configured to~~

~~prevent engagement of the third cushion layer with the outer surface of the foot.~~

18. (Currently Amended) A compression apparatus as recited in claim 16, wherein the third ~~cushion~~ layer includes a foam material for cushion during patient use.

19. (Currently Amended) A compression apparatus as recited in claim 16, wherein the second piece ~~strap~~ has at least one segmented portion configured ~~ation~~ for contour with the foot.

20. (Currently Amended) A compression apparatus as recited in claim 16, ~~comprising:~~

~~a foot sleeve including an inflatable bladder configured for disposal about a foot, the foot sleeve including a metatarsal portion that overlies the foot,~~

~~a strap mounted between a foot contact layer and an outer layer of the foot sleeve body and extending therefrom, the strap being configured for disposal about the foot adjacent an ankle,~~

wherein the ^{heel} strap has a foot contact layer including a soft material that is configured to engage an outer surface of the foot adjacent the ankle, an outer layer and a cushion layer including foam material disposed therebetween such that the foot contact layer and the outer layer are configured to provide a

~~barrier to the cushion layer~~, the outer layer having an outer surface that includes ~~ing~~ a loop material such that the metatarsal portion includes hook elements that are engageable with the loop material on the second piece to mount the foot sleeve with the foot.

21. (Currently Amended) A compression apparatus as recited in claim 16 ~~20~~, wherein the compression apparatus includes a plurality of second pieces ~~straps~~ extending from the body.

22. (Canceled)

23. (Currently Amended) A compression apparatus as recited in claim 16 ~~22~~, wherein the second piece ~~strap member~~ includes a plurality of layers, whereby the plurality of layers comprises an interiorly disposed cushion layer.

24. (Canceled)

25. (Canceled)

26. (Canceled)